

TRI Metal Mining Fact Sheet

The Toxics Release Inventory (TRI) is a [publicly available EPA database](#) that contains information on toxic chemical releases and waste management activities reported annually by certain industries. The goal of TRI is to empower citizens, through information, to hold companies and local governments accountable in terms of how toxic chemicals are managed.

Metal mining facilities are required by law to report to TRI if they manufacture, process, or otherwise use a listed toxic chemical in excess of certain threshold amounts. A recent court order set aside EPA's interpretation of how this requirement applies to metal mining in certain situations. In response to this order, EPA is considering clarifying how the definitions of "manufacture" and "process" apply to extraction and beneficiation¹ at metal mines. Currently, we expect this clarification to be accomplished through a rulemaking.

In addition, TRI stakeholders have suggested that any such rulemaking should address a broader scope of issues related to the metal mining industry. Such issues may include:

- **Ways that TRI can drive environmental improvement:** Industry representatives have stated that some of the TRI data currently reported do not correlate in a direct way to significant environmental or public health impacts. Nor, in their opinion, does the TRI Program drive environmental improvement within this industry as currently implemented.
- **Accurate measurement of releases:** Representatives of the environmental community are interested in looking at how actual releases beyond the facility property (e.g., fugitive air emissions, surface and groundwater migration) could be more accurately measured and reported.
- **Releases beyond containment:** Environmental representatives believe that all releases beyond containment, including those currently exempt from TRI reporting, should be made reportable.
- **Definitional issues:** Industry representatives have stated that there are a number of definitional issues that should be addressed in a rulemaking to clarify areas of uncertainty. These include the issues discussed in key court cases as well as a number of others.

EPA plans to publish a proposed rule by early 2011, at which time there will be an opportunity for formal public comment. For additional information, you may wish to visit the TRI Web site at <http://www.epa.gov/tri/programs/mining/index.htm>.

¹ Extraction is the process of mining ore and includes the production of waste rock. Beneficiation is essentially the process of producing mineral concentrates or metals from the mined ore.